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OFFICE OF PETITIONS

In re Application of :
Gordon : DECISION ON PETITION
Application No. 09/284,421 :
Filed: June 11, 1999 :
Docket No.: NAGACO.076APC :

This is a decision on the petition to revive the above-identified application under 37 CFR 1.137(a), filed January 29, 2008. This matter is also being treated as a petition to withdraw the holding of abandonment under 37 CFR 1.181. No fee has been charged in connection with this matter.

This application was held abandoned for failure to timely submit a proper reply to the Notice to File Corrected Application Papers (Notice) mailed October 16, 2007. The Notice set a two month period of time for reply. Notice of Abandonment was mailed January 11, 2008.

DECISION UNDER 37 CFR 1.181

Petitioners assert that the Notice was not received electronically and attribute the non-receipt to a problem with the electronic notification system.

A review of the application history, including the electronic notification system, supports a finding that although an email notification was sent to applicants on November 15, 2007, the Notice was not viewable to applicants in PAIR.

In view of the facts and circumstances concerning the transmission of the Notice, the petition to withdraw the holding of abandonment is hereby **GRANTED**.

The Notice of Abandonment is hereby **VACATED** and the holding of abandonment is **WITHDRAWN**.

DECISION UNDER 37 CFR 1.137(a)

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(1); (3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until

the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c).

In view of the withdrawal of the holding of abandonment, the petition under 37 CFR 1.137(a) is **DISMISSED AS MOOT**.

This application is being forwarded to the Office of Patent Publication for further processing, including review of the formal drawings submitted herewith.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.



Alesia M. Brown
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Office of Petitions